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PART-I

Notifications, Orders and Declarations by Haryana Government

HARYANA GOVERNMENT

WOMEN AND CHILD DEVELOPMENT DEPARTMENT

Notification

The 21st August, 2017

No. 839-SW(3)2017.— This notification is issued in partial modification of Haryana Government Social Welfare Department Notification Nos. 110-SW(4)-2007 dated 18.1.2007, No. 1405-SW(4)-2009 dated 13.7.2009 and No.1542-SW-(4)2009, dated 28.7.2009. This notification is also in continuation of Women and Child Development Department notification Nos. 23-SW(3)-2011 dated 7-1-2011, No. 56-SW(3)2011 dated 7.2.2011, No. 174-SW-(3) 2011 dated. 9.06.2011, No. 287-SW-(3) 2011 dated 16.09.2011, 416 SW-(3) 2011 dated. 09.02.2012, 647SW(3)2012 dated 16-08-2012, 536 SW(3)2013 dated 01-07-2013, 19-SW(3)2014 dated 08-01-2014, 567-SW(3) 2014 dated 28-07-2014, 362-SW(3)2016 dated 23-12-2016, 159-SW(3)2017 dated 08.02.2017 and 296-SW(3)2017 dated 16.03.2017. As per recommendations of Selection Committee constituted by Notification No.339-SW(3)-2016 dated 25.03.2016 and all other powers enabling him in this behalf, the Governor of Haryana is pleased to appoint **Member of Juvenile Justice Board** from waiting list of District Rewari in the place of old member subject to fulfilment of necessary provision of Juvenile Justice Act and Rules as per detail given below:-

| Sr. No. | District | Name of New Member Appointed | Name of Old Member replaced |
|---------|----------|---|--|
| 1. | Rewari | Sh. Pradeep Vashishtha S/o Sh. Khushi Ram Sharma, H. No. 398, Qutubpur, Rewari, Mob. 09416887519. | Smt. Neelam Sharma W/o Sh. Pradeep Vashishtha, H. No. 398, Qutubpur, Rewari, Mob. 09416327237. |

Term of Member of the Board

1. The term of the social worker member of the Board shall not be more than for a period of three years from the date of appointment.
2. A Social worker member of the Board shall be eligible for appointment of maximum of two terms, which shall not be continuous.
3. The members may resign at any time, by giving one month's notice in writing to the State Government.

4. The appointment of any member of the Board, except the Principal Magistrate, may be terminated after holding an inquiry by the State Government, if he:-
- (i) has been found guilty of misuse of power vested under this Act; or
 - (ii) fails to attend the proceedings of the Board consecutively for three months without any valid reason; or
 - (iii) fails to attend less than three-fourths of the sittings in a year; or
 - (iv) becomes ineligible under sub-section (4) during his term as a member.

Functions of the Juvenile Justice Board

- (a) ensuring the informed participation of the child and the parent or guardian, in every step of the process;
- (b) ensuring that the child's rights are protected throughout the process of apprehending the child, inquiry, aftercare and rehabilitation;
- (c) ensuring availability of legal aid for the child through the legal services institutions.
- (d) wherever necessary the Board shall provide an interpreter or translator, having such qualification, experience and on payment of such fees as may be prescribed, to the child if he fails to understand the language used in the proceedings;
- (e) directing the Probation Officer, or in case a Probation Officer is not available to the Child Welfare Officer or a social worker, to undertake a social investigation into the case and submit a social investigation report within a period of fifteen days from the date of first production before the Board to ascertain the circumstances in which the alleged offence was committed;
- (f) adjudicate and dispose of cases of children in conflict with law in accordance with the process of inquiry specified in Section 14;
- (g) transferring to the Committee, matters concerning the child alleged to be in conflict with law stated to be in need of care and protection at any stage, thereby recognizing that a child in conflict with law can also be a child in need of care simultaneously and there is a need for the Committee and the Board to be both involved;
- (h) disposing of the matter and passing a final order that includes an individual care plan for the child's rehabilitation, including follow up by the Probation Officer or the District Child Protection Unit or a member of a non-governmental organization, as may be required;
- (i) conducting inquiry for declaring fit persons regarding care of children in conflict with law;
- (j) conducting at least one inspection visit every month of residential facilities for children in conflict with law and recommend action for improvement in quality of services to the District Child Protection Unit and the State Government;
- (k) order the police for registration of first information report for offences committed against any child in conflict with law, under this Act or any other law for the time being in force, on a complaint made in this regard;
- (l) order the police for registration of first information report for offences committed against any child in need of care and protection, under this Act or any other law for the time being in force, on a written complaint by a Committee in this regard;
- (m) conducting regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of such a child to the observation home;
- (n) any other function as may be prescribed;
- (o) wherever required issue rehabilitation card in Form 14 to the child in conflict with law to monitor the progress made by the child;
- (p) wherever require, pass appropriate order for re-admission or continuation of the child in school where the child has been disallowed from continuing his education his education in a school on account of the pendency of the inquiry or the child having stayed in a Child Care Institution for any length of time;
- (q) interact with Boards in other district to facilitate speedy inquiry and disposal of cases through due process of law, including sending a child for the purpose of an inquiry or rehabilitation to a Board in another district or State;
- (r) inspect Child Care Institutions for children in conflict with law, issue direction in cases of any noticeable lapses, suggest improvements, seek compliance and recommend suitable action, including against any employee found in dereliction of duty to the District Child Protection Unit;

- (s) maintain a suggestion box or grievance redressal box in the premises of the Board at a prominent place to encourage inputs from children and adults alike which shall be operated by the nominee of the Principal Magistrate;
- (t) ensure smooth functioning of Children's Committees in the Child Care Institutions for children in conflict with law, for realizing children's participation in the affairs and management of such Child Care Institutions;
- (u) review the Children's suggestion book at least once in a month;
- (v) ensure that the Legal cum Probation Officer in the District Child Protection Unit and the State or District Legal Aid Services Authority extends free legal services to a child; and
- (w) deploy, if necessary, the services of student volunteers or non-governmental organization volunteers for para-legal and other tasks such as contacting the parents of child in conflict with law and collecting relevant social and rehabilitative information about the child.

Sitting of the Board

1. The Board shall sit on all working days for a minimum of six hours commensurate with the working hours of a Magistrate Court, unless the case pendency is less in a particular district.
2. When the Board is not sitting, a child in conflict with law may be produced before an individual member of the Board. For the said purpose, one member of the Board shall always be available or accessible to take cognizance of any matter of emergency and necessary directions required to deal with the emergency situation shall be given by such member to the Special Juvenile Police Unit or the local police of the district.

Chandigarh:
The 9th August, 2017.

P. K. MAHAPATRA,
Additional Chief Secretary to Government Haryana,
Women and Child Development Department.